

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK

PHILIP PIDOT, NANCY HAWKINS and  
STEVEN AXELMAN, individually and as  
representatives of eligible Republican Party  
voters in Suffolk, Nassau and Queens Counties  
within New York's Third Congressional  
District,

Plaintiffs,

v.

NEW YORK STATE BOARD OF  
ELECTIONS; SUFFOLK COUNTY BOARD  
OF ELECTIONS; NASSAU COUNTY  
BOARD OF ELECTIONS; BOARD OF  
ELECTIONS IN THE CITY OF NEW YORK;  
PETER KOSINSKI and DOUGLAS  
KELLNER, in their official capacities as  
Commissioners and Co-Chairs of the New York  
State Board of Elections; ANDREW J. SPANO  
and GREGORY P. PETERSON, in their official  
capacities as Commissioners of the New York  
State Board of Elections; TODD D.  
VALENTINE and ROBERT A. BREHM, in  
their official capacities as Co-Executive  
Directors of the New York State Board of  
Elections; and JACK MARTINS,

Defendants.

Civil Action No.  
1:16-CV-00859-FJS-CFH

**DECLARATION OF ERNEST A. MCFARLAND**

I, Ernest A. McFarland, pursuant to the provisions of 28 U.S.C. §1746, declare as follows:

1. I am an attorney in the Voting Section of the Civil Rights Division of the United States Department of Justice. I represent the United States in this matter. I respectfully submit this declaration in support of the United States' Statement of Interest in the above-referenced action. I am over 18 years of age.
2. I have personal knowledge of the information contained in this declaration based upon my review of relevant records.

3. A copy of the unpublished Supplemental Remedial Order in *United States v. New York*, No. 1:10-cv-1214 (N.D.N.Y. Oct. 29, 2015), ECF No. 88, is attached as **Exhibit A**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 16, 2016.

  
ERNEST A. MCFARLAND